

### **REMARKS/ARGUMENTS**

Prior to entry of this amendment, claims 1, 2, 5-22, 25-33 and 36-43 were pending in this application. No claims have been amended, added, or canceled herein. Therefore, claims 1, 2, 5-22, 25-33 and 36-43 remain pending. Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

#### **Informality**

The Office Action has objected to claim 5 as depending from canceled claim 3. The undersigned thanks the Examiner for carefully reading the claims and pointing out the informality. Accordingly, claim 5 has been amended to depend from claim 1.

#### **35 U.S.C. §101 Rejection, Non-statutory matter**

The Office Action has rejected claims 1, 2 and 5-21 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory matter. In making this rejection, the Office Action cites "a two-prong test of: (1) whether the invention is within the technological arts; and (2) whether the invention produces a useful, concrete, and tangible result." The Office Action goes on to state that:

"For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the 'progress of science and the useful' (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts."

However, the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences has explicitly rejected such a "technological arts" test. Specifically, the Board held

that "[o]ur determination is that there is currently **no judicially recognized separate 'technological arts' test** to determine patent eligible subject matter under §101. We decline to create one." See Ex Parte Carl A. Lundgren, 76 U.S.P.Q.2d 1385, 1388 (Bd. Pat. App. & Interf. 2004) (emphasis added). For at least this reason, the Applicants respectfully submit that the rejection is improper and should be withdrawn.

**35 U.S.C. § 103(a) Rejection, Madan in view of Pinard**

The Office Action rejected claims 1, 2, 5, 8-15, 17-22, 25-33 and 36-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,748,374 of Madan et al. (hereinafter "Madan") in view of U.S. Patent No. 5,940,834 of Pinard et al. (hereinafter "Pinard"). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, the cited references do not teach or suggest, alone or in combination, removing auxiliary classes that are superior to a first auxiliary class.

Madan "is directed to the storage and access of object-oriented entities within a relational database management system." (Col. 1, lines 13-15) More specifically, Madan "is directed to the representation and storage of directory information objects, such as LDAP directory data, in a relational database system" and "the generation of a database query language

statement to query or manipulate directory information objects in a relational database." (Col. 4, lines 30-32 and 33-35) Madan discloses methods for defining, modifying, and deleting attribute types (Col. 13, line 16 - col. 14, line 38) and defining, modifying object classes (Col. 14, line 39 - col. 16, line 2). However, Madan explicitly states that "a superior class can not be removed." (Col. 15, lines 34-35)

Pinard relates to "web page generator for automatic generation of web pages in Internet and Intranet environments." (Col. 1, lines 5-7) Under Pinard, a "web page directory is created from data stored in the directory application component of the web page generator and after being placed on a web server, allows any individual who has network access to the web server offering the web page to view the directory information in a web page format." (Col. 1, lines 54-59) That is, Pinard teaches generating a web page to display directory information stored in a database. More specifically, FIG. 2 of Pinard and the accompanying description (col. 4, line 28 - col. 5, line 10) describes "deleting an item class." However, Pinard does not teach or suggest removing auxiliary classes that are superior to a first auxiliary class. Rather, Pinard describes deleting only a selected item or class and is completely silent on removing anything other than the selected class.

Claim 1, upon which claims 2, and 5-21 depend, claim 22, upon which claims 25-32 depend, and claim 33, upon which claims 36-43 depend, each recite in part "removing a subset of said first set of attributes from said entry after said step of creating said first entry wherein removing the subset of said first set of attributes comprises removing a first auxiliary class of one or more auxiliary classes associated with said subset of said first set of attributes and removing auxiliary classes that are superior to said first auxiliary class and that are not superior to any auxiliary classes that remain part of said entry." Neither Madan nor Pinard, alone or in combination, teaches or suggests removing auxiliary classes that are superior to a first auxiliary class. Rather, Pinard teaches removing only a selected item and is completely silent on removing superior items or classes while Madan explicit states that "a superior class can not be

removed." For at least these reasons, claims 1, 2, 5, 8-15 and 17-22, 25-33, and 36-43 should be allowed.

**35 U.S.C. § 103(a) Rejection, Madan in view of Pinard and Desgranges**

The Office Action has rejected claims 6, 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Madan in view of Pinard and further in view of U.S. Patent No. 6,751,797 of Desgranges et al. (hereinafter "Desgranges"). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. More specifically, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, the cited references do not teach or suggest, alone or in combination, removing auxiliary classes that are superior to a first auxiliary class. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

As discussed above, the combination of Madan and Pinard does not teach or suggest removing auxiliary classes that are superior to a first auxiliary class. Rather, Pinard teaches removing only a selected item and is completely silent on removing superior items or classes while Madan explicit states that "a superior class can not be removed."

Desgranges is directed to "a method for managing the persistence of EJB [Enterprise Java Beans] components integrated into an EJB server of a computer system. (Col. 1, lines 45-47) The method "consists of managing persistence in a directory accessed via LDAP by mapping and adapting an entity EJB component to a given type of LDAP entry in a given directory." (Col. 1, lines 48-51) Desgranges discloses methods for creating, modifying and deleting these LDAP enties but does not teach or suggest removing auxiliary classes that are superior to a first auxiliary class.

Therefore, none of the references, alone or in combination, teach or suggest removing auxiliary classes that are superior to a first auxiliary class. For at least these reasons, claims 6, 7 and 16 should be allowed.

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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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